

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

STEPHANIE QUINN, an Illinois resident, ) No. 08 C 138  
individually and on behalf of all others )  
similarly situated, )  
 )  
 ) Class Action Complaint  
Plaintiff, )  
 )  
v. )  
 )  
 ) JURY TRIAL DEMANDED  
 )  
LVMH PERFUMES AND COSMETICS )  
USA INC., a New York Corporation )  
 )  
 )  
Defendant. )

### **Motion for Reassignment of Related Cases**

Plaintiff Stephanie Quinn, individually and on behalf of all others similarly situated, hereby moves to be reassigned in order to be consolidated with previously filed case pursuant to Local Rule 40.4. (Stephanie Quinn v. LVMH Perfumes and Cosmetics USA Inc. Case No. 08C138) The previously filed case, Stella v. LVMH Perfumes and Cosmetics Inc. (07CV6509), involves the same subject matter, series of transactions, as well as the same Defendant.

Plaintiff requests an order to consolidate this action with the previously filed action, Stella v. LVMH Perfumes and Cosmetics Inc. (07CV6509)

1. This Motion complies with Local Rule 40.4:

(1) Both cases involve the same property, exceedingly high and unlawful lead content in the same brand or brands of lipstick;

(2) Both cases involve some of the same issues of fact or law;

(3) Both cases grow out of the same series of transactions or occurrences; and

(4) Because both cases are class action suits, one or more of the classes involved in the cases is or are the same;

2. In addition, both of these cases are currently pending and the prior case is not in an advanced stage of litigation. Moreover, consolidation would not cause any substantial delay or hardship in the litigation of the action and preserves judicial time and effort. Finally, both cases are susceptible of disposition in a single proceeding.

3. The two cases are virtually identical. As mentioned above, both cases are against the same Defendant, based on the same fact pattern, involving the same alleged unlawful actions or series of actions involving the excessive lead content in Defendant's cosmetic product or products. Both cases are class actions alleging violations of the various consumer fraud statutes, breach of warranty, breach of implied warranty pursuant to the Magnuson-Moss Warranty Act, strict liability, negligence, unjust enrichment, and injunctive relief. Both cases will involve the same or similar theories and issues for certification of the putative class. The Complaints of both cases are attached as Exhibits 1 and 2. (Ex. 1, Complaint for Quinn v. LVMH Perfumes and Cosmetics USA Inc.)(Ex. 2, Complaint for Stella v. LVMH Perfumes and Cosmetics USA Inc).

WHEREFORE, Plaintiff's move for the case at bar to be removed from its existing Court and be consolidated with the previously filed case, Stella v. LVMH Perfumes and Cosmetics Inc. (07CV6509).

February 12, 2008

Respectful Submitted,

s/ Aaron R. Walner

Lawrence Walner  
Michael Hilicki  
Aaron R. Walner  
Lawrence Walner and Associates  
150 North Wacker Drive  
Suite 2150  
Chicago, Illinois 60606  
(312) 201-1616  
Attorneys for Plaintiff